UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _09 September 2009_.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _4,6 and 14_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _4,6 and 14_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

DETAILED ACTION

1.   This is responsive to the amendment after non-final filed on 09 September 2009.

2.   Claims 4, 6, and 14 are pending and considered below.

Response to Amendment

3.   The objection to claim 4 is withdrawn in view of Applicant's amendment.

Response to Arguments

4.   Applicant's arguments filed 09 September 2009 have been fully considered but they are not persuasive.

First, a brief overview of Crespo and Machida as they relate to Applicant's invention is warranted. Crespo discloses a method for installing software, specifically operating systems, to PCs (personal computers) connected to a server (Abstract). The server acquires, from a database, PC specific information needed to complete installing software on a PC ([0109]). Machida discloses a similar method for installing software on a computer by searching, acquiring, and installing print setting information (`property information list`) ([0069] and [0073]) and where the acquiring is done by searching a database using the computer ([0074]).

Applicant argues that it is impossible for Crespo to teach the installation database search being processed by the computer where the installation is performed because "the computers in Crespo are not operable prior to the configuration of the installation files: they are not connected to the server, partitioned or formatted".

However, Crespo discloses that the pristine installation, installing and configuring operating systems, is only illustrative and not limiting and that the installation method can be extended to other environments (see [0053]). This suggests that Crespo's method may be used to install other types of software. Further, it is actually Machida's computer, using Crespo's method of PC related information acquisition, which would perform the search in the combination of Crespo and Machida. It would have been obvious to have used Crespo's computer specific information acquiring method in Machida's installation to yield the predictable result of installing software with print setting information where the installation database search is processed by Machida's computer as disclosed by Machida in [0074].

Applicant further argues that the "computers in Crespo do not receive anything that could be considered the template file of claim 4, so they could not read the template". However, Applicant's claim 4 does require neither receiving a template nor reading the template by the computer on which program is installed. The only step performed by the computer is acquiring print setting information by searching an installation database which, as presented above, would have been obvious over Crespo in view of Machida.

Applicant also argues that even if Crespo and Machida were combinable "the computers to build the template is directly contrary to Crespo's objectives" because "Crespo teaches away from such combination when it states that "[i]t is another object of the present invention to build the operating system and any required product or application according to a machine profiling mechanism controlled by a central

repository." To distribute the profiling mechanism to the computers would be antithetical to this objective." However, Applicant's claim 4 does not require building the template by the computer on which program is installed. Further, there is no teaching in Crespo that a template could not and should not be built using the computers on which programs are installed. Therefore, Crespo does not teach against such building. Also, as presented above, Crespo's installation is not only directed to installing operating systems on computers but also other types of software such as the type disclosed by Machida. Further, it is old and well known to perform computer activities either on a server or a computer depending on specific needs as is evidenced by Machida in [0074] where information is managed in a "centralized fashion by the server device" or "by each PC" depending on traffic over the network connecting the server to the PCs. Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention to have performed Crespo's server searching using Machida's PCs.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 4, 6, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crespo et al (US PGPub 2003/0046682) in view of Machida (US PGPub 2002/0083131).

Claim 4:

Crespo discloses a software-installing method for installing a plurality of items of

software in a computer and simultaneously performing initial setup in the computer, so

as to use one of a plurality of devices connected to the computer, the method

comprising the steps of (Abstract):

acquiring a template of a scenario (`response file template`), the scenario

(`response file`) being a file describing procedures for installing the software, and the

template including one or more parameters representing incomplete information ([0117],

also see for example the Abstract and [0005] where response files are disclosed as files

describing procedures for installation);

reading the template to determine whether the template contains one or more

parameters representing incomplete information, and subsequently acquiring setting

information corresponding to the one or more parameters by searching an installation

database, based on said computer or a user of said computer ("`First, `SDCONF`

searches for the `SRC` file associated with the respective

machine to be installed, using the name of the Machine to be

installed as the search argument`", [0117]), the installation database being

located outside said computer (Fig. 1, item 100 and related text);

producing the scenario which is specific to said computer by incorporating

acquired setting information into at least one of the one or more parameters of said

template ("`SDCONF` builds the operating system response-files by

filling the operating system response file template with the

specific data read from the SRC file", [0117]);

inputting the produced scenario to an installation program; and installing said

installation program and said setting information into said computer ("The function-

specific program that installs the middleware products and SD

packages", [0117]).

However, even if Crespo discloses that the setting information could be related to

many computer components (video adapter, keyboard, network adapter ... see [0107]),

Crespo does not explicitly a printer as one of these components. In other words, Crespo

does not explicitly disclose the setting information being print setting information.

Crespo also does not explicitly disclose the installation database search being

processed by the computer where the installation is performed.

Machida discloses a similar software-installing method for installing a software on

a computer and simultaneously performing initial print setup in the computer, so as to

use a plurality of printing devices connected the computer through a network (see

[0004] and [0012]). Machida performs these steps by searching, acquiring, and

installing print setting information (property information list) ([0069] and

[0073]) and where the searching is processed by said computer ([0074]).

It would have been obvious to one with ordinary skill in the art at the time of the

invention to have installed Machida's acquired print setup information using Crespo's

method in order to set information for a printer (see Machida [0004]).

Claim 6:

Crespo and Machida disclose the method of claim 4 as shown above. Crespo

does not explicitly disclose a processor readable medium storing program code (Fig. 1,

item 3 and related text) means for performing the method of claim 4. Machida discloses

such a medium (Fig. 1, item 3 and related text).

Implementing a method as software on a computer readable medium would be

an obvious modification to one of ordinary skill in the art of software installing, at the

time of applicant's invention, so as to facilitate loading the software onto a computer to

perform the steps listed above.

Accordingly, claim 6 is rejected with the same rationale as applied above with

respect to method claim 4.

Claim 14:

Crespo discloses a server (Fig. 1, item 108 and related text), comprising:

a first element configured to acquire a template of a scenario (`response file`

`template`), the scenario (`response file`) being a file describing procedures for

installing the software, and the template including one or more parameters representing

incomplete information ([0117], also see for example the Abstract and [0005] where

response files are disclosed as files required for installation);

a second element configured to read the template to determine whether the

template contains one or more parameters representing incomplete information, and to

subsequently acquire setting information corresponding to the one or more parameters

by searching an installation database, and wherein said searching is based on a

computer or a selection by a user of said computer ("`First, `SDCONF` searches`

for the `SRC` file associated with the respective machine to be
installed, using the name of the Machine to be installed as the
search argument", [0117]); the installation database being located outside said
computer (Fig. 1, item 100 and related text)

a processor configured to produce the scenario which is specific to said
computer by incorporating acquired setting information into at least one of the one or
more parameters of said template ("`SDCONF` builds the operating system
response-files by filling the operating system response file
template with the specific data read from the SRC file", [0117]);

a third element configured to input the produced scenario to an installation
program; and an installing element configured to install said installation program and
said setting information into said computer ("The function-specific program
that installs the middleware products and SD packages", [0117]).

However, even if Crespo discloses that the setting information could be related to
many computer components (video adapter, keyboard, network adapter ... see [0107]),
Crespo does not explicitly a printer as one of these components. In other words, Crespo
does not explicitly disclose the setting information being print setting information.
Crespo also does not explicitly disclose the installation database search being
processed by the computer where the installation is performed.

Machida discloses a similar software-installing method for installing software on a
computer and simultaneously performing initial print setup in the computer, so as to use
a plurality of printing devices connected the computer through a network (see [0004]

and [0012]). Machida performs these steps by searching, acquiring, and installing print

setting information (`property information list`) ([0069] and [0073]) and where

the searching is processed by said computer ([0074]).

It would have been obvious to one with ordinary skill in the art at the time of the

invention to have installed Machida's acquired print setup information using Crespo's

method in order to set information for a printer (see Machida [0004]).

Conclusion

7.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to SAMUEL G. NEWAY whose telephone number is

(571)270-1058. The examiner can normally be reached on Monday - Friday 8:30AM -

5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, David R Hudspeth can be reached on 571-272-7843. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David R Hudspeth/
Supervisory Patent Examiner, Art Unit 2626

/S. G. N./
Examiner, Art Unit 2626